

The Honorable James L. Robart

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

WEYERHAEUSER COMPANY, a  
Washington corporation,

Plaintiff,

v.

NOVAE SYNDICATE 2007; APOLLO  
LIABILITY CONSORTIUM 9984; ANV  
CASUALTY CONSORTIUM 9148; SCOR  
UK COMPANY LTD; STARSTONE  
SYNDICATE 1301; XL CATLIN  
SYNDICATE 2003; ALLIANZ  
UNDERWRITERS INSURANCE  
COMPANY; HISCOX SYNDICATE 33;  
STARR UNDERWRITING AGENTS LTD.;  
LLOYD'S SYNDICATE CVS 1919,

Defendants.

NO. 2:18-cv-00585-JLR

STIPULATION AND ~~PROPOSED~~  
ORDER

**I. STIPULATION**

This Stipulation and Proposed Order is entered into by and among plaintiff Weyerhaeuser Company and defendants Novae Syndicate 2007, Apollo Liability Consortium 9984, ANV Casualty Consortium 9184, SCOR UK Company Ltd., Starstone Syndicate 1301, Hiscox

STIPULATION AND ~~PROPOSED~~ ORDER - 1  
No. 2:18-cv-00585-JLR

GORDON	1001 Fourth Avenue
TILDEN	Suite 4000
THOMAS	Seattle, WA 98154-1007
CORDELL	206.467.6477

Syndicate 33, Star Underwriting Agents Ltd., and Lloyd's Syndicate CVS 1919 (collectively  
"TRO Defendants").

Weyerhaeuser and the TRO Defendants hereby stipulate to the immediate entry of the  
Proposed Order set forth below. Accordingly, Weyerhaeuser and the TRO Defendants further  
agree that the briefing and hearing dates established in the TRO may be vacated.

DATED this 21st day of May, 2018.

**GORDON TILDEN THOMAS & CORDELL LLP**  
Attorneys for Plaintiff

By s/ Franklin D. Cordell

Franklin D. Cordell, WSBA #26392

Michael P. Brown, WSBA #45618

Greg Pendleton, WSBA #38361

Brendan Winslow-Nason, WSBA #39328

1001 Fourth Avenue, Suite 4000

Seattle, Washington 98154-1007

206.467.6477

fcordell@gordontilden.com

mbrown@gordontilden.com

gpendleton@gordontilden.com

bwinslow-nason@gordontilden.com

1 DATED this 21st day of May, 2018.

2  
3 **NICOLL BLACK & FEIG PLLC**

4 Attorneys for Defendants Novae Syndicate 2007,  
5 Apollo Liability Consortium 9984, ANV Casualty  
6 Consortium 9184, SCOR UK Company Ltd., Starstone  
7 Syndicate 1301

8  
9 By s/ Chris Nicoll

10 Chris Nicoll, WSBA #20771  
11 1325 4<sup>th</sup> Avenue, Suite 1650  
12 Seattle, Washington 98101  
13 206.838.7546  
14 cnicoll@nicollblack.com

15  
16  
17  
18 DATED this 21st day of May, 2018.

19  
20 **SCHEER LAW GROUP LLP**

21 Attorneys for Defendants Star Underwriting Agents  
22 Ltd., Hiscox Syndicate 33, and Lloyd's Syndicate CVS  
23 1919

24  
25 By s/ Mark P. Scheer

26 Mark P. Scheer, WSBA # 16651

27  
28 s/Jennifer Crow

29 Jennifer Crow, WSBA # 43746

30  
31 701 Pike Street, Suite 2200  
32 Seattle, WA 98101  
33 206-262-1200  
34 mscheer@scheerlaw.com  
35 jcrow@scheerlaw.com  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45

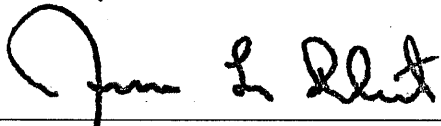
II. ~~PROPOSED~~ ORDER

IT IS HEREBY ORDERED that the TRO Defendants are enjoined from instituting or joining in any action, in any other forum, aimed at securing a determination on the issue whether Weyerhaeuser is required, under the policies issued by TRO Defendants, to arbitrate disputes regarding coverage under those policies. This injunction does not prevent TRO Defendants from: (1) making any arguments to this Court that disputes regarding coverage under the policies issued by the TRO Defendants are subject to valid and enforceable agreements to arbitrate; or (2) in the event the London High Court makes its injunction against Weyerhaeuser and in favor of defendant XL Catlin Syndicate 2003 permanent, seeking an order from this Court re-opening and challenging the permanent injunction issued pursuant to this stipulation.

This Order is without prejudice to all parties' rights, claims, defenses, and arguments concerning whether: (1) the subject policies are subject to valid and enforceable agreements to arbitrate; and (2) whether a ruling in favor of XL Catlin Syndicate 2003 in the London High Court action, should the same occur, has any bearing on whether the instant Order should be vacated, should the TRO Defendants move to challenge it..

All briefing and hearing dates related to the matter of Weyerhaeuser's motion for preliminary injunction are vacated. (See Order (Dkt. # 7); MPI (Dkt. # 4); Min. Order (Dkt. # 13).)

DATED this 21<sup>st</sup> day of May, 2018.

  
Honorable James L. Robart  
United States District Court Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on this 21<sup>st</sup> day of May, 2018, I electronically filed the foregoing  
with the Clerk of the Court using the CM/ECF system, which will send notification of such filing  
to all counsel of record.

DATED this 21st day of May, 2018, at Seattle, Washington.

s/ Franklin D. Cordell  
Franklin D. Cordell, WSBA #26392